

ARTICLE XII. EXCEPTIONS AND MODIFICATIONS

Section 12.01. Lot of record.

(1) Where the owner of a lot consisting of one (1) or more lots of official record in any district, at the time of the adoption of this ordinance, or his successor in title thereto, does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this ordinance, such lot may be used as a building site provided:

- (a) That the minimum yard requirements of the district are complied with or a variance is obtained from the zoning board of adjustment;
- (b) That for two-family use such a lot shall have at least the minimum required lot area for a two-family use and a minimum lot width of no less than sixty (60) feet;
- (c) That for multifamily use such a lot shall have at least the minimum required lot area for a multifamily use, the required lot area per dwelling unit, and a minimum lot width of no less than seventy (70) feet; and
- (d) That in order to prevent overcrowding of units on a lot which has excessive depth but not the required frontage of eighty (80) feet, in computing the additional square footage per lot, only the first two hundred (200) feet of depth of an existing lot of record shall be allowed as a computing factor on an interior lot.

(2) Where the owner of a lot consisting of two (2) or more contiguous lots of record, at the time of the adoption of this ordinance, or his successor in title thereto, does own sufficient land to enable him to conform to the minimum lot size requirements of this ordinance and subsequently transfers title thereto in such a manner as to create lots that do not conform to the minimum lot size requirements of this ordinance, such resulting lot shall not qualify as a lot of record nor be entitled to any of the rights, privileges, or considerations of a lot of record, **except as may be allowable by city council issuance of a special use permit as described in section 7.10(III)(b) and section 12.29.**

(Ord. No. 1975-22, § 3, 4-15-75; Ord. No. 1994-8, § 6, 3-1-94; **Ord. No. 2003-22**)

Section 12.02. Yard setbacks from adjacent street right-of-way for any buildings.

The yard setback requirements of section 11.01 shall not apply to any lot where the average setback of existing buildings within one hundred (100) feet on either side, in the same block, abutting the same street, and in the same use district is less than the minimum required, provided that there be a yard not less than the average of the existing setbacks of existing buildings within one hundred (100) feet on either side of the proposed building in the same block, abutting the same street, and in the same use district, or a distance of no less than twenty (20) feet from the centerline of the street right-of-way line, whichever is greater.

(Ord. No. 1975-50, § 1, 8-5-75; **Ord. No. 1996-35**)

Section 12.03. Height limitations.

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, radio towers, television towers, masts, aerials and similar structures, except as otherwise provided in the vicinity of airports.

(Ord. No. 1986-20, § 8, 5-6-86)

Section 12.04. Visibility at intersections.

On a corner lot in any district no planting, structure, fence, wall or obstruction to vision more than three (3) feet in height measured from the intersection of the street center lines shall be placed or maintained within the triangular area formed by the intersection of the projected street lines (right-of-way lines) and a straight line connecting points on said street lines each of which is twenty-five (25) feet distant from the point of intersection. That area as delineated in section 7.06, Off-street parking requirements exempted, of this ordinance shall be exempted from the requirements of this section.

(Ord. No. 1982-11, § 1, 3-2-82)

Section 12.05. Corner lots.

In any residential district the side yard requirements for corner lots along the side street right-of-way line shall have an extra width of ten (10) feet.

Section 12.06. Group development.

1. *Definition.* A group development shall consist of any of the following:

- (a) More than one principal structure on a lot, or
- (b) Any structure divided by two (2) or more dividing walls which separate businesses and/or residences, or
- (c) **Any structure of ten thousand (10,000) square feet or more, or any addition of twenty-five percent (25%) or more to a structure that increases the total square footage to ten thousand (10,000) or more, or**
- (d) **Any development which includes a parking area with fifty (50) or more spaces, or any addition to a parking area that increases the total number of spaces to fifty (50) or more, or**
- (e) Any use in the following zoning districts:
 - B-7, Limited Business (see section 8.43).
 - LLI, Limited Light Industrial (see section 8.53).
 - LLI-2, Limited Light Industrial-2 (see section 8.55).
 - GD-A, General Development "A" District (see section 8.74).
 - HS, Hospital Services (see section 8.25).**
 - MED, Medical Services (see section 8.27).**
- (f) **Mobile home parks that are permitted uses.**

2. *Procedure.* Any proposed group development shall be reviewed by the planning board. After review, the planning board shall make a recommendation to the city council. Planning board recommendation may be to approve the request as submitted, to approve the request as modified with suggested modifications, or to deny the request. The city council receives the planning board's recommendation. The city council, following its own review, then may approve the request as originally submitted, approve the request with modifications suggested by planning board, approve the request with modifications, or deny the request.

3. *Requirements.* Any proposed group development shall meet all of the following requirements:

- (a) Uses shall be limited to those uses permitted within the general, special use, and/or overlay zoning district in which the project is located.
- (b) Area, yard, and height requirements be as stated for the zoning district in which the project is located.
- (c) The overall intensity of land use (i.e., density) is no higher and the standard of open space is no lower than that permitted in the zoning district in which the project is located. **For calculation of the density of the site plan, use the entire approved site plan – not individual lots that may be created within the total approved site plan. If the site plan is presented in phases, use the phases that have been approved (i.e., if Phase I has been approved, use only that Phase in the calculations; if Phases I and II have been approved, use both those Phases together). If it is requested that an individual lot be removed from the site plan, its density will be considered separately.**
- (d) Parking space requirements be as stated in section 7.02 off-street automobile parking and storage.
- (e) Open space requirements be as required in the zoning district in which the project is located.
- (f) Sign requirements as stated in Article IX, Signs.
- (g) **Out parcels as defined in Section 4.02(40) shall meet the following standards:**
 - 1. **Location shall be along the perimeter property line of the master tract.**
 - 2. **Minimum lot size of any out parcel which does not front on a public street shall be three acres.**
 - 3. **Access route shall be in accordance with N. C. State Fire Code, Section 602.6, Access to Buildings by Fire Apparatus, and shall be secured by irrevocable easements shown on the subsequent subdivision final plat.**
 - 4. **Landscaping yards shall be shown on the group development site plan and subsequent subdivision final plat.**
 - 5. **Utility easements shall be shown on the group development site plan and subsequent subdivision final plat.**
- (h) Other special requirements as may be elsewhere stipulated by the Zoning Ordinance or required as part of the approval.

In its recommendation the planning board may recommend approval based in modifications the would be more stringent than otherwise would be required. For example, requiring more parking spaces than is normally required in section 7.02 (see (d) above), or setbacks greater than normally required in Article X (see (B) above) may be part of the planning board's recommendation. City council's approval, likewise, may contain regulations more stringent than otherwise would be required.

4. *Site development plan.* A site development plan for a group development shall be required. It shall, where appropriate, contain the following:

- (a) Location, arrangement and dimensions or automobile parking space, width of aisles, width of bays, angle of parking.
- (b) Location, arrangement and dimensions of truck loading and unloading spaces and docks.
- (c) Location and dimensions of vehicular entrances, exits and drives.
- (d) Location and dimensions of pedestrian entrances, exits, walks and walkways.
- (e) General drainage system.

- (f) General plan for sewage disposal.
- (g) General plan for the provision of potable water.
- (h) Location and materials of walls and fences.
- (i) Ground cover, topography, slopes, banks and ditches.
- (j) The location and general exterior dimensions of main and accessory buildings.
- (k) Abutting roads, with existing and proposed rights-of-way.
- (l) Boundaries of property with courses and distances.
- (m) Location of any existing and/or proposed easements or rights-of-way.
- (n) Location of open spaces and recreational facilities.
- (o) Proposed phasing of development.
- (p) Provisions for the handicapped as per state building code, department of transportation and other applicable ordinances.
- (q) Location and design of signs.
- (r) Floodplain, watershed, and wetland information
- (s) Elevations -- structural elevation drawings
- (t) Roads named and indicated as public or private (only in RD-A or RD-B districts). If private roads, deviations (if any) from city standards or DOT standards (in ETJ area).

The site development plan shall contain drawings at an appropriate scale to clearly depict the details of the proposal.

Prior to initial consideration by the planning board, the city staff's development review committee shall review the specific proposals contained in the site development plan. The development review committee may refer its findings, comments, and/or recommendations to the planning board.

In determining and prescribing the number, location, type and means of egress and ingress, a single drive but no more than two (2) (except as provided for in Section 22.68 **of the City Code**) shall be permitted to serve multiple parcels whether owned collectively by a single owner or whether each parcel is owned separately by a different owner when it is considered by the planning board and approved by city council that driveway(s) serving individual parcels or the potential thereof would contribute to unsafe traffic conditions or a decrease in the carrying capacity of the highway or roadway.

A duly approved site development plan shall be a zoning prerequisite for a zoning permit as may be issued by the zoning administrator, and no permit pertaining to a group development shall be valid unless a duly approved site development plan has been properly endorsed. A duly approved site development plan shall be valid, for the purpose of obtaining a zoning permit, for a period of one year following the date of approval as shown in the city council approval endorsement. Should a zoning permit not be obtained within the prescribed time, the planning board may consider the group development site development plan upon resubmittal as an original submittal.

A group development project shall be developed in conformity with a duly approved site development plan. A certificate of occupancy as may be issued by the zoning administrator for any group development shall be valid only when the group development remains in conformity with the approved site development plan. A revision to a group development shall be considered in the same manner and procedure for consideration as an original group development.

A group development as authorized under this section shall be in keeping with and supplemental to the group development authorized by the subdivision ordinance of the City of Salisbury. Nothing herein shall be so construed or interpreted as to authorize the circumvention of the requirements of section 6.05 concerning one (1) principal structure and its customary accessory uses on one (1) lot or the requirements of the subdivision ordinance. Any group development as authorized by this section shall clearly demonstrate by its design and arrangement that it is not a circumvention of these requirements.

All zoning requirements, as well as city council approval of a site development plan, relative to a group development, shall continue to the area originally determined by the zoning administrator to be a group development should the property, prior to or subsequently to that determination, be held in separate titles or leases. A group development designation may be enlarged to include contiguous areas to an area previously determined to be a group development. Any additional development or use of the area so determined to be included in to related to a group development shall continue to be subject to group development requirements, regardless of prior or subsequent ownership or leases in whole or in part thereof.

Upon city council approval of a group development/site development plan, the plan shall contain the following endorsement:

Approved by the Salisbury City Council

_____, 19_____

Mayor

Modifications required by the city council may be shown on the site development plan or as attached to the site development plan.

(Ord. of 10-17-72, § 1; Ord. of 1-16-73, § 1; Ord. of 3-19-74, § 1; Ord. No. 1977-51, § 1, 12-6-77; Ord. No. 1980-85, § 2, 9-16-80; Ord. No. 1984-13, § 2, 2-7-84; Ord. No. 1986-18, § 4, 4-1-86; Ord. No. 1993-46, § 2, 6-1-93; Ord. No. 1994-2, § 1, 1-4-94; **Ord. No. 1997-2; Ord. No. 1999-47; Ord. No. 1999-49; Ord. No. 2000-97; Ord, No. 2001- ;Ord. No. 2002-15; Ord. No. 2003-57)**

Section 12.06.1. Reserved.

Editor's note--Ord. No. 1993-46, § 1, adopted June 1, 1993, repealed § 11.06.1, which pertained to special group development. See the Code Comparative Table.

Section 12.07. Mobile home parks generally.

Development of mobile home parks is allowed as a conditional use in the R-6A multi-family residential district and as a permitted use in the M-1 and M-2 (Light and Heavy Industrial) districts. As permitted uses, mobile home parks shall comply with the approval process set out in Section 12.06 Group Development. Mobile home parks shall be permitted in the M-1 and M-2 districts only when authorized by the Salisbury City Council. Any such development for Council consideration shall first be submitted to the Salisbury Planning Board for review, comment and recommendations. Planning Board findings and recommendations on each development shall be transmitted to City Council.

Any mobile home park approved as a conditional use shall be subject to the criteria in parts (1) and (2) below.

Any mobile home park approved as a permitted use shall be subject to the criteria in parts (1), (2) and (3) below.

1) Design Requirements:

a) *Size of mobile home park.*

All mobile home parks shall be developed on a parcel of land not less than five (5) acres in size.

b) *Size of individual mobile home space.*

Each mobile home space shall contain a minimum of seven thousand (7,000) square feet where City water AND sewer services are provided; a minimum of eleven thousand (11,000) square feet where City water OR sewer services is provided; and a minimum of twenty thousand (20,000) square feet where the mobile home park is serviced by private well and septic tank.

c) *Individual mobile home.*

Individual units in a mobile home park must meet all HUD standards for manufactured housing.

d) *Underpinning.*

All mobile homes in a mobile home park shall be anchored in place by a foundation or other stationary support and have continuous brick, masonry, stucco, stone, vinyl, aluminum, or metal skirting.

e) *Arrangement (setbacks) of mobile home on lot.*

All mobile homes in a mobile home park shall observe the following setbacks:

Front yard setback as measured from the right-of-way line of any interior roadway	25'
All property lines	25'
All public streets	50'
Boundary of another mobile home	25'
Any other buildings	20'
Adjacent property used for , zoned for, or to be used for a nonresidential use	35'
Adjacent property used for, or to be used for a permanent residential use	50'

f) *Access and roadways.*

No mobile home shall have direct access to a public street. All mobile home spaces shall have access to an interior roadway with a right-of-way width of at least thirty (30) feet and a pavement width of twenty-four (24) feet. Roadways shall be retained as private streets on the property.

All interior roadways shall be graded in accordance with an approved grading plan, and shall have at least two (2) moving lanes, each of which is at least twelve (12) feet in width. Roadways shall be retained as private streets on the property. Parking bays shall not be part of a roadway

g) *Planting Yard.*

A densely planted buffer consisting of trees, shrubs, and other planting at least fifteen (15) feet in width shall be provided along the rear and/or side property lines of the mobile home park. In the event that natural growth exists as a buffer, the degree of planting may be reduced to ten (10) feet by the board of adjustment, but not beyond the point that provides adequate screening both height-and-width-wise.

The buffer shall include an eight (8) foot tall planted screen giving 'visual separation' within three years of planting between the mobile home and adjacent uses.

- h) *Recreation Space.*
A minimum of ten (10) percent of the total mobile home park area shall be provided for recreation space and shall be located conveniently to all mobile homes.
 - i) *Parking.*
Off-street parking shall be provided as required in article VII, section 7.02, of this ordinance. Each mobile home shall have a minimum of two parking spaces.
- 2) **Improvements and other general requirements.**
- a) The area on which the mobile home rests shall be a level, well-drained area of stabilized material, such as crushed stone, of such composition that it shall securely support the underpinning of the mobile home.
 - b) All interior roadways within the park shall be lighted at night by 100-watt high-pressure sodium or equivalent fixture spaced at intervals of no more than two hundred (200) feet apart. The maintenance of such lighting shall be the responsibility of the park owner.
 - c) A covered garbage receptacle shall be provided for each space and shall be located in an easily accessible place and be in keeping with the maximum size of such receptacle as established by the City sanitary code.
 - d) There shall be a patio of at least four (4) inches thick of concrete or other appropriate surfacing materials located adjacent to the area where the mobile homes shall rest. Said surface shall be so located as to coincide with the main entrance to the mobile home. Said area shall be no less than eight (8) feet by fifteen (15) feet.
 - e) See section 7.01 (4) for requirements for nonconforming mobile home parks.
- 3) All provisions and requirements of Section 12.06 Group Development, except that where Design Requirements in part (1) above differ from Section 12.06, part 3, Requirements, those Design Requirements in part (1) above shall be applicable.

(Ord. of 5-18-65, §§ 2, 3; Ord. of 5-3-66, §§ 1--3; Ord. of 12-5-67, § 2; Ord. of 5-7-68, § 1; Ord. of 12-3-68, § 1; Ord. of 8-5-69, §§ 1, 2: **Ord. 1999-47**)

Cross reference(s)--Mobile home parks, § 12-21 et seq.

Section 12.08. Side yard requirement on buildings erected prior to April 9, 1964.

A building that was constructed or otherwise modified prior to April 9, 1964, in such a manner that it does not comply with the minimum requirements of the side yards as set forth in section 11.01 may be enlarged or otherwise structurally altered, provided that such modification or structural enlargement does not encroach into the required side yard to any extent greater than the minimum width of side yard that existed prior to April 9, 1964, and that in no case shall this be less than five (5) feet.

(Ord. of 12-5-67, § 2; **Ord. No. 1996-35**)

Section 12.08.1. Exceptions to minimum lot size and minimum yard requirements.

A development consisting of previously plotted lots and also consisting of structures which have not been constructed in reference to those plotted lot lines so that the requirements of section 6.03 cannot be met due to spacing between structures and other existing development related conditions, then such may be replotted in a manner so that the resulting lots are related to the existing development without complying with the minimum lot size and minimum yard requirements set forth in section 11.01 or setback requirements for accessory structures or buildings provided that any deviation from these requirements is

the minimum necessary to create the lot directly related to the existing development. Thereafter, any lots so created and the use thereon which does not meet the above cited standards from which they are so exempted for replatting shall be nonconforming accordingly.

(Ord. No. 1983-14, § 1, 3-1-83; **Ord. No. 1996-35**)

Section 12.09. Directional Lighting

For uses other than single and two-family residential, outdoor lighting shall be installed in such a manner that it be directed toward the property it serves, and away from adjacent properties.

Section 12.10. Libraries, museums, and art galleries in an R-6A multi-family district.

The zoning board of adjustment may authorize as a conditional use in an R-6A multifamily district, libraries, museums, art galleries, and uses which are indicative of libraries, museums, and art galleries, provided such uses:

- (1) Are not operated for profit.
- (2) Are directly related to the preservation of the historic character of a structure or a site.
- (3) Are in keeping with the welfare or general character of the residential neighborhood in which such use is permitted.

Should such use cause, create or contribute any nuisance activity or conditions to the neighborhood, the board of adjustment may withdraw the authorization of the conditional use and thereafter further use of the property shall be in conformity with the requirements as set out in the zoning ordinance of the City of Salisbury.

(Ord. of 1-2-68, § 1)

Section 12.11. Exception for setback of canopies for automobile service or filling stations.

Canopies for automobile service or filling stations may be located at less than the required distance from the street right-of-way or the property line when all of the following conditions exist:

- (1) Automobile service or filling stations are listed as a permitted use in the zoning district in which such use exists (see Article VIII).
- (2) At the time of the construction of the automobile service or filling station, all setbacks and other requirements of this Zoning Ordinance were met, if any regulations were applicable.
- (3) Any canopy or canopies may be constructed or reconstructed over existing gasoline pumps or traffic islands, or extended to connect the existing gasoline pumps or traffic islands to any principal building on the property.
- (4) No portion of any canopy shall extend into or over any street right-of-way, within ten (10) feet of any adjoining property zoned commercial or industrial, or within twenty (20) feet of any adjoining property zoned residential or any noncommercial or nonindustrial zoning classification.
- (5) All other provisions of the Zoning Ordinance are complied with.

(Ord. No. 1991-9, § 1, 4-2-91)

Section 12.12. Exceptions to height limitations.

(1) A multifamily building in the R-6A district or a building in the B-1 or CU District

The zoning board of adjustment may authorize a multifamily building in the R-6A multifamily district or a building in the B-1 office institutional district or college and university district to exceed the height limitation, provided that for each additional story or increments of ten feet or fractions thereof above the height limitation of the district, all required yard dimensions are increased five feet and that the resulting development would be in keeping with the general welfare or character of the neighborhood in which such extension above the height limitation is authorized.

(2) A parking structure in the B-1 district

A parking structure, i.e., parking deck, in the B-1 office institutional district may exceed the height limitation provided that additional setbacks are provided on side and/or rear yard areas not abutting public streets. If abutting residential districts, side and/or rear yard setbacks shall be increased 10 feet for every five-foot (or fraction thereof) increase in height above the maximum height in Section 10.01, Table of Requirements. In abutting nonresidential districts, side and/or rear yard setbacks shall be increased 5 feet for every five-foot (or fraction thereof) increase in height above the maximum height in Section 10.01. Lighting for parking structures shall not be directed toward residential districts.

(3) Hospitals and regional medical centers in the B-1 district.

A hospital or regional medical center in the B-1 office institutional district shall be allowed a height limitation of 80 feet.

(Ord. of 5-5-70, § 1; Ord. No. 1975-22, § 4, 4-15-75; Ord. No. 1980-99, § 7, 11-18-80; **Ord. No. 1996-15; Ord. No. 1997-64**)

Section 12.13. Golf courses allowed in all general and special use districts, with approval as a group development.

A regulation-type golf course, including such accessory uses as are directly related to the operation of a golf course, may be permitted in all general and special use zoning districts, with the approval of a group development site plan as outlined in Section **12.06** Group Development--provided that the resulting development would be in keeping with the general welfare or character of the neighborhood in which such use is authorized. a certificate of occupancy as may be issued by the zoning administrator for any duly approved golf course shall be valid only when the development of the golf course remains in conformity with the approved site development plan.

The site development plan as submitted to the Planning Board for its consideration and recommendation to the City Council shall generally locate all the physical improvements of the proposed gold course including buildings, drives, walks, signs and landscaping. The site development plan shall be endorsed by the Mayor indicating the date of City Council approval.

The sign regulation shall be in accordance with Article IX Signs, specifically the B-1 district regulation for ground and wall signs.

(Ord. of 9-16-69, § 1; Ord. No. 1982-42, § 2, 8-3-82; Ord. No. 1994-44, § 1,7-19-94)

Section 12.14. Manufactured or portable structures used for business, education and industrial purposes.

The board of adjustment may authorize as a special exception a manufactured or portable structure to be used as a principal or accessory structure in relation to any business, educational, or industrial use authorized in this ordinance in a district in which such use is permitted, but only on a temporary basis and only as directly related to a construction project. If authorized, the following minimum standards and regulations shall be applicable:

- (1) The permitted unit shall be located in keeping with the minimum standards of the use district in which it is located.
- (2) The authorization to establish a trailer or mobile home type unit under this section shall be terminated and the mobile home shall be removed within sixty (60) days after the mobile home is no longer being used for the specific use for which authorization was granted.
- (3) The location of a unit authorized under this section shall be made in such a manner that it will not be detrimental to the general character of the neighborhood in which it is permitted.
- (4) Should the use of such unit cause, create or contribute to any activity or condition considered by the board of adjustment to be a nuisance to adjacent property or the neighborhood, the board of adjustment may withdraw the authorization of the conditional use.
- (5) The installation of a unit as may be authorized under this section shall comply with the minimum standards of chapter 12, Mobile Homes.
- (6) The applicant shall state on the board of adjustment application any existing restrictive covenant relative to the proposed site concerning this type unit.
- (7) Each authorization for such use granted under this section shall be reviewed each calendar year prior to December 31 by the zoning enforcement officer and his findings as to compliance or noncompliance of each use transmitted to the board of adjustment.

(Ord. of 3-17-70, § 1; Ord. No. 1987-14, §§ 1--3, 3-3-87)

Section 12.15. Travel trailers (camping trailers), boat trailers, utility trailers, trailers, or similar type units.

Travel trailers (camping trailers), boat trailers, utility trailers, trailers, or similar type units may be parked in any zoning district provided:

- (1) That such unit shall not be used at any time as a residence or as sleeping quarters on a temporary or permanent basis;
- (2) That such units may be stored in a principal or accessory structure; and
- (3) That such unit, except for boat trailers, utility trailers, and fold-out campers twenty (20) feet and under, shall located so as to comply with the requirements for an accessory structure of the district in which it is located unless the board of adjustment authorizes the storage or parking of such unit elsewhere on premises upon the board of adjustment finding that compliance with the accessory requirements is an undue hardship and the resulting conditions of storage or parking are not detrimental to the adjacent property or neighborhood.

(Ord. of 6-16-70, § 1)

Section 12.16. Trailers or mobile homes used for construction purposes only.

A trailer or mobile home type unit, when used in connection with construction, alterations, or modifications, shall not be located on the construction site until a building permit for such construction has been obtained from the building inspector. A trailer or mobile home type unit shall be removed from the construction site within thirty (30) days after the completion of the job for which the permit was issued. Any unit so located shall be used solely for the purposes directly related to the construction, shall not be

used at any time as a residence or as living quarters temporarily or permanently, and shall comply with all other applicable requirements of the ordinances of the City of Salisbury.

(Ord. of 3-17-70, § 1)

Section 12.17. Rides, exhibits, and displays in business districts.

Amusement rides, governmental and educational exhibits, and displays may be located in any business district except the B-1 office institutional district for a period not to exceed ten (10) consecutive calendar days upon the issuance of a certificate of occupancy by the zoning administrator, provided:

- (1) Carnivals, fairs, or side shows shall not be located in any district other than those which such is authorized as a permitted use;
- (2) That any use so permitted shall not occupy any parking space required by existing uses;
- (3) That such use shall not impede or divert the internal flow of automobile or pedestrian traffic within any parking area upon which such use may be permitted to locate;
- (4) That adequate parking for such permitted use as required by ordinance be provided in addition to that parking required by other existing uses;
- (5) That all requirements for lighting of the district in which the use is located shall be applicable;
- (6) That signs shall be in compliance with section 9.06, Special sign provisions, subsection (4), Signs for special events;
- (7) That any use permitted under this section shall be located no closer than two hundred (200) feet to any residential district or dwelling;
- (8) That public toilet facilities are provided as required by the zoning administrator; and
- (9) That all other requirements of the ordinances of the City of Salisbury are complied with.

(Ord. No. 1986-20, § 10, 5-6-86)

Section 12.18. Fairs with rides, exhibits, games of skill, booths for the sale of goods or prepared food, and displays in the PSP Public/Semi-Public District.

Fairs with amusement rides, governmental and educational exhibits, games of skill, booths for the sale of goods or prepared food, and displays may be located in the PSP Public/Semi-Public district with the following provisions:

- (1) that a permit for such use is obtained from the Zoning Administrator;
- (2) that such activities shall not be allowed for a period exceeding ten consecutive calendar days and occur no more often than once per calendar year;
- (3) that the site on which such use is authorized shall contain a tract of land at least three acres in size under one ownership;
- (4) that any use so permitted shall not occupy any parking space required by existing uses;
- (5) that such uses shall not impede or divert the internal flow of automobile or pedestrian traffic within any parking area upon which such use may be permitted to locate;

- (6) that adequate parking for such permitted use as required by ordinance be provided in addition to that parking required by other existing uses;
- (7) that all requirements for lighting of the district in which the use is located shall be applicable;
- (8) that signs shall be in compliance with Section 9.06, Special sign provisions, subsection (4), Signs for special events;
- (9) that public toilet facilities are provided as required by the Zoning Administrator; and
- (10) that all other requirements of the ordinances of the City of Salisbury are complied with..

(Ord. No. 1986-20, § 11, 5-6-86; Ord. No. 1988-64, §§ 1, 2, 12-6-88; Ord. No. 1994-51, § 1, 8-16-94)

Section 12.19. Yard encroachments.

(1) A roof overhang or roof projection of a principal building may encroach into a required yard for a distance not to exceed two (2) feet.

(2) (a) A residential use shall provide and maintain such landscaped area(s) equal to forty (40) percent of the required yard area and at least half of such landscaped area shall be located in the required front yard area.

- (b) A nonresidential use shall provide and maintain such landscaped area(s) equal to fifteen (15) percent of the required yard area.

(Ord. of 5-7-74, § 6)

Section 12.20. Lots abutting residential districts and B-1 office institutional district.

Where a lot abuts any residential district or B-1 office institutional district as specified hereafter, the following shall apply:

- (a) For lots in the B-1, B-CS, B-RT, B-6, M-1, and M-2 districts, the side of which abuts upon a residential district, there shall be a side yard of at least ten (10) feet on each side abutting upon a residential district. For lots in the B-6, M-1, and M-2 districts, there shall be a rear yard of at least ten (10) feet.
- (b) For lots in the B-4 district, the side of which abuts upon a residential district, there shall be a side yard of at least twenty (20) feet on each side abutting upon a residential district.
- (c) For lots in the B-CS convenience service business district and the B-RT retail trade business district, which abut a B-1 office institutional district, there shall be a side yard of at least five (5) feet on each side abutting the B-1 office institutional district.

(Ord. No. 1977-22, § 5, 4-15-72; Ord. No. 1976-57, § 2, 10-19-76; Ord. No. 1979-24, § 5, 5-15-79; Ord. No. 1979-25, § 7, 5-15-79)

Section 12.21. Optional yards in certain districts.

Side and rear yards in B-5, M-1, and M-2 districts are not required. If provided, each yard in these districts shall be at least four (4) feet in width, except in the B-5 district where a setback may be between zero and four (4) feet –provided it adjoins an unobstructed space at least 10 feet in width, which may be an alleyway, driveway, right-of-way, or easement.

(Ord. No. 1977-22, § 5, 4-15-75: **Ord. No. 2001-38**)

Section 12.22. Front yards in the B-2 district.

Buildings may be placed as close as fifty (50) feet to any street right-of-way which permits direct access to the property. Buildings may be placed as close as twenty (20) feet to any street right-of-way which does not permit direct access to the property.

(Ord. No. 1975-22, § 5, 4-15-75)

Section 12.23. Yard setback in B-7 districts.

No building shall be less than thirty-five (35) feet from any street right-of-way.

(Ord. No. 1975-22, § 5, 4-15-75; Ord. No. 1986-18, § 5, 4-1-86)

Section 12.24. Regulations for the use bed and breakfast home.

- (a) The use bed and breakfast home shall be as defined in section 4.02.
- (b) The use bed and breakfast home shall be permitted by right in the following residential use districts:

A-1	Agricultural
R-40	Single Family Residential
R-40 MH	Single Family-40/Manufactured Home Residential
R-20	Single -Family Residential
R-20 MH	Single Family-20/Manufactured Home Residential
R-15	Single -Family Residential
R-15 MH	Single Family-15/Manufactured Home Residential
R-12 MH	Single Family-12/Manufactured Home Residential
R-8	Single -Family Residential
SFC	Single -Family Conservation
R-6	Two-Family Residential
R-6A	Multi-Family Residential

(c) The use bed and breakfast home shall be permitted by right in the following nonresidential districts:

B-1	Office Institutional
B-2	Retail Business
B-CS	Convenience Service Business
B-RT	Retail Trade
B-4	Highway Business
B-5	Central Business
B-6	General Business
M-1	Light Industrial
M-2	Heavy Industrial

(d) Within the districts listed in (b) and (c) above, the following minimum lot size regulations shall be applicable:

- (1) Less than 15,000 square feet--No bed and breakfast home allowed.
- (2) 15,000--19,999 square feet--Bed and breakfast home with no more than three (3) guest bedrooms.
- (3) 20,000--24,999 square feet--Bed and breakfast home with no more than four (4) guest bedrooms.
- (4) 25,000--29,999 square feet--Bed and breakfast home with no more than five (5) guest bedrooms.
- (5) 30,000--34,999 square feet--Bed and breakfast home with no more than six (6) guest bedrooms.
- (6) 35,000--39,999 square feet--Bed and breakfast home with no more than seven (7) guest bedrooms.
- (7) 40,000 or more square feet--Bed and breakfast home with no more than eight (8) guest bedrooms.

(e) Parking space requirement. A minimum of one (1) off-street parking space shall be required for each bedroom used in a bed and breakfast home operation. These required parking spaces shall be provided

in a side or rear yard area (not in the front yard area). This parking space requirement shall be in addition to the parking space requirement for the single-family residence. No on-street parking shall be allowed for any guests.

(f) Allowable signage. Signage in residential districts in which the use bed and breakfast home is a permitted use shall be as specified in section 9.05(8) residential zoning districts (b)3., which is one (1) ground sign or one (1) wall sign, with size specifications in accordance with the residential sign table in subsection (c). The height limitation is five (5) feet. Signs shall not be illuminated. The setback requirement for ground signs is a minimum of twenty (20) feet from side and rear property lines.

Signage in nonresidential districts in which the use bed and breakfast home is a permitted use shall be as specified in section 9.05(1-7, 9), as appropriate.

(g) The operators of the bed and breakfast home shall be full-time residents of the home.

(h) An operable telephone shall be located on each inhabited floor on which there is one (1) or more guest bedrooms associated with the bed and breakfast use.

(i) A centrally located five (5) pound or more ABC fire extinguisher shall be located on each inhabited floor on which there is one (1) or more guest bedrooms associated with the bed and breakfast use.

(j) Smoke detectors shall be located in hallways outside the guest rooms.

(k) An escape route drawing shall be posted in each guest room.

(Ord. No. 1991-38, § 2, 10-1-91)

Section 12.25. Prohibition of open space storage in certain districts.

There shall be no open storage allowed in any office institutional or commercial district. **However, 'outdoor display areas' may be allowable in the B-6 and B-7 districts through issuance of a special use permit, as described in Section 7.10, subsection III, part (h).**

(Ord. No. 1993-45, § 14, 6-1-93; **Ord. No. 2003-55**)

Section 12.26. Minimum setback requirements.

No structure shall be placed closer than twenty (20) feet to the centerline of any street right-of-way.

(Ord. No. 1975-22, § 5, 4-15-75; Ord. No. 1975-50, § 3, 8-5-75)

Section 12.27. Group development or special group development in a B-RT district.

Group developments and special group developments of two (2) acres or more in the retail trade business district (B-RT) shall have side yards and rear yards as required by planning board or city council which are directly related to the design of each specific group development or special group development provided, however, that in no case shall the side or rear yards or any other requirements relative to side or rear yards be less than those required in the general business district (B-6) and, in such group developments or special group developments the thirty-five-foot height limitation of the B-RT district may be exceeded provided a height limit of fifty (50) feet is not exceeded. Any such building exceeding the thirty-five-foot height requirement shall be set back at least the required yard setbacks of the B-RT district plus an additional five (5) feet for each habitable floor above the thirty-five-foot height limitation of the B-RT district.

(Ord. No. 1985-30, § 3, 4-2-85; **Ord No. 1998-18; Ord. No. 2000-16**)

Section 12.28. Reception and real estate sales facilities in residential subdivisions and group development.

A reception center, including real estate sales facilities, may be permitted as a conditional use by the zoning board of adjustment in any residential subdivision or group development subject to the following conditions:

- (1) Those conditions stipulated in section **16.06** concerning the granting of conditional uses by the board of adjustment and the following.
- (2) That such conditional use permit may be for any period not to exceed three (3) consecutive calendar years.
- (3) That the conditional use may be renewed on approval of the zoning board of adjustment provided such action of the zoning board of adjustment is no sooner than six (6) months prior to the expiration of a previous conditional use approval for this use.
- (4) That such facility may be operated within an existing residential structure or accessory structure, such as a recreation center or clubhouse, directly related to the project or be located in close proximity to the development at what is considered the entryway to the development or the area being developed.
- (5) That any improvements such as parking areas which are developed in conjunction with such facilities may, at the board of adjustment's discretion, be stipulated as temporary improvements and shall be removed by the developer within sixty (60) days after expiration of the conditional use permit or termination of the use of such facilities for such purposes.

(Ord. No. 1968-9, § 1, 3-4-86; **Ord. No. 1996-35**)

Sec. 12.29. Special use permit as allowed in section 7.10(III)(b) may supersede minimum lot size and/or maximum yard requirements.

A special use permit may be issued by the city council for the reconstruction of certain historic structures in the **Historic District (H)** and/or a "pivotal" or "contributing" structure listed as such on the National Register of Historic Places. Such reconstruction allowed by city council in its issuance of a special use permit may violate one or more of the minimum lot size requirements and/or one or more of the minimum yard requirements (setbacks) as listed in section **11.01**, Table of Requirements.

(**Ord. No. 1996-35, Ord.No.2001-76; Ord. No. 2003-22**)

Section 12.30. Swimming pools as may be allowed in certain districts.

Swimming pools may be located in districts provided for in Article VIII: Use Requirements by District provided that the following regulations are met:

- (1) Location. That such use is located within or on an area designated as--
 - (a) a public park or playground;
 - (b) a community or privately owned park or playground--located within such a community and that such uses are owned, operated and maintained on a nonprofit basis;
 - (c) a part of a group development--operated and maintained on a nonprofit basis for use and benefit of those residing in the group development and their guests;

(d) a private swimming pool, on a lot upon which a residence is located, for the use and benefit of those residing on such lot and their guests.

(2) Setbacks. That such use has the following setbacks:

(a) in (1)(a) and (b) above, swimming pool and their related buildings shall be located at least 20 feet from any boundary line:

(b) in (c) above, swimming pools and their related structures shall be located anywhere within the group development provided that they are at least

(c) in (d) above, swimming pools and their related buildings and structures shall adhere to all requirements for accessory buildings and structures in the district in which they are located.

(3) Parking. There shall be no specific parking space requirement for swimming pools.

(4) Enclosures. All swimming pools shall be enclosed by a fence or wall at least four (4) feet above grade (measured on the side of the fence or wall which faces away from the swimming pool). Access gates shall be equipped to accommodate a locking device. Pedestrian access gates shall be open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device.

(Ord. No. 1994-56, § 2, 10-4-94)

Section 12.31. Home occupations.

Home occupations, as defined in Section 4.02, may be located in districts provided for in Article VIII: Use Requirements by District, with the other requirements as set forth in this Section.

A home occupation may not be allowed if it has any significantly adverse impact on the surrounding neighborhood. A use may be regarded as having a significantly adverse impact on the surrounding neighborhood if: (a) there is a window display or outside storage of goods, stock in trade, or other commodities; (b) any on-premises retail sales occur except for the sale of products or goods made on the residential lot as a result of the home occupation or as an accessory to any services provided by the home occupation; (c) more than one (1) person not a resident on the premises is employed in connection with the purported home occupation; (d) it creates objectionable noise, fumes, smoke, odor, dust, glare, vibrations, or electrical interference; (e) more than thirty (30) percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than 500 square feet of gross floor area (whichever is less), is used for home occupation purposes; (f) the home occupation is open to the public earlier than 7:00 a.m. or later than 9:00 p.m.; (g) additional parking other than that associated with the residential use is provided; or (h) if a sign located on the premises is in violation of Section 9.05(8)(b).

The zoning administrator may withdraw the home occupation permit when he finds that the home occupations has a significantly adverse impact on the surrounding neighborhood.

The following is a nonexhaustive list of examples of enterprises that may be home occupations if they meet the foregoing descriptive criteria:

- (1) The office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional
- (2) Workshops, greenhouses, kilns, tool sharpening, ceramist.
- (3) Tailoring, dressmaking, hairdressing studios, baking.

The following is a nonexhaustive list of examples of enterprises that are prohibited as home occupations:

- (1) Automobile repair and paint shops
- (2) Dry-cleaning and laundry establishments
- (3) Fortune tellers, palm readers, psychics, astrologers, tarot card readers, and other related uses
- (4) Funeral homes
- (5) Indoor shooting (firing) ranges
- (6) Launderettes where individual laundry or dry-cleaning equipment is rented for use by the customer
- (7) Mini-warehousing
- (8) Sign painting
- (9) Tattoo parlors
- (10) Tire recapping and retreading
- (11) Upholstery shops
- (12) Video stores

(Ord. No. 2002-27)

Section 12.32. Manufactured housing.

- (1) The terms manufactured home (or housing); manufactured home, class AA; manufactured home, class A; manufactured home, class B; and manufactured home, class C shall be as defined in Section 4.02.
- (2) The use manufactured home by class AA, A, and/or B shall be permitted by right as listed in Article VIII.
- (3) The use manufactured home shall have the following Appearance Criteria as listed below and shown in subsection (4) in the Table for Appearance Criteria:
 - A. The manufactured home shall be set up in accordance with the standards established by the North Carolina Dept. of Insurance.
 - B. A continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One and Two Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.
 - C. The towing apparatus, wheels, axles, and transporting lights shall be removed and shall not be included in length and width measurements.
 - D. The longest axis of the manufactured home shall be oriented parallel or within a 10 degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing.
 - E. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in compliance with the standards of the North Carolina State Building Code, attached firmly to the primary structure and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet.
 - F. The manufactured home shall have the HUD sticker, affixed to all manufactured housing units constructed since July 1, 1976.
 - G. The exterior siding shall consist of one or more of the following:
 - (1) vinyl or aluminum lap siding reflectivity not to exceed that of a flat white paint;

- (2) cedar or other wood siding;
 - (3) wood grain, weather resistant press board siding;
 - (4) stucco siding;
 - (5) brick or stone,
- which shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- H. The pitch of the roof shall have a minimum vertical rise of 2½ feet for each 12 feet of horizontal run.
 - I. The roof shall be finished with a Class C or better roofing material that is commonly used in standard residential construction.
 - J. All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
 - K. The manufactured home shall have a minimum width of 16 feet.
 - L. The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part.
- (4) The appropriate appearance criteria shall be located on manufactured homes in the A-1, MH overlay, R-12 MH, R-15 MH, R-20 MH, and R-40 MH districts as shown on the table below:

TABLE FOR APPEARANCE CRITERIA

Zoning District	A	B	C	D	E	F	G	H	I	J	K	L
A-1 district	X	X	X	X	X	X	X	X	X	X		
MH overlay	X	X	X	X	X	X						
R-12 MH	X	X	X	X	X	X	X	X	X	X	X	X
R-15 MH	X	X	X	X	X	X	X	X	X	X	X	X
R-20 MH	X	X	X	X	X	X	X	X	X	X	X	X
R-40 MH	X	X	X	X	X	X	X	X	X	X	X	X'

Section 12.33. Setbacks and Angles in the HS District.

Setbacks shall be as measured from the right-of-way line or property line. Angles shall be as measured from the center of a street or property line.

- (a) Front yard setback/angle: 40-foot setback; 60-degree angle if across the street from, or adjoining residentially zoned property.
- (b) Side yard setback/angle: 5-foot setback, except 20-foot setback if adjoining residentially zoned property; 60-degree angle if across the street from, or adjoining residentially zoned property.
- (c) Rear yard setback/angle: 20-foot setback; 60-degree angle if across the street from, or adjoining residentially zoned property.

Section 12.34. Side and Rear Yard Setbacks Adjoining Residentially-Zoned Properties in the MED District

- (a) Side yard setback: 15 feet if height 30 feet or less; if height greater than 30 feet, one foot additional setback for every 2 feet additional height, with 50-foot height limitation.
- (b) Rear yard setback: 30 feet if height 30 feet or less; if height greater than 30 feet, one foot additional setback for every one foot additional height, with 50-foot height limitation.

Section 12.35. Side and Rear Yard Setbacks Adjoining the Hospital Services District in the MED District

- (a) **Side Yard setback: 5 feet**
- (b) **Rear yard setback: 5 feet**

Section 12.36. Wireless Telecommunications Facilities

(1) **Definitions.** The following definitions shall be applicable to this section:

- (a) **Accessory Facility or Structure** – An accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- (b) **Antenna** – A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), and microwave Telecommunications.
- (c) **Co-location** – The use of the same Telecommunications Tower or structure to carry two or more Antennae for the provision of wireless services by two or more persons or entities.
- (d) **Free Standing Tower** – A Tower that is not supported by guy wires and ground anchors or other means of attached or external support.
- (e) **Personal Wireless Facility** – See definition for Wireless Telecommunications Facilities.
- (f) **Special Use Permit** – The official document or permit by which an applicant is allowed to construct and use Wireless Telecommunications Facilities as granted or issued by the City.
- (g) **Telecommunications** – The transmission and reception of audio, video, data and other information by wire, radio frequency, light and other electronic or electromagnetic systems.
- (h) **Telecommunications Site.** See definition for Wireless Telecommunications Facilities.
- (i) **Telecommunications Structure** – A structure used in the provision of services described in the definition of Wireless Telecommunications Facilities.
- (j) **Telecommunications Tower.** See definition for Wireless Telecommunications Facilities.
- (k) **Wireless Telecommunications Facilities (or Telecommunications Tower or Telecommunications Site or Personal Wireless Facility)** – A structure, facility or location designed, or intended to be used as, or used to support, Antennas, as well as antennas or any functional equivalent equipment used to transmit or receive signals. It includes without limit, free standing Towers, guyed Towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an Antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, personal Telecommunications services, or microwave Telecommunications, but excluding those used exclusively for fire, police and other dispatch Telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar Telecommunications.

(2) *Districts Allowed Issuance of Special Use Permit.* (as defined in subsection (1)(f))

The box below shows districts that allow different types of telecommunications facilities (marked with an 'X'), but only after issuance of a Special Use Permit as described in subsection (1)(f) above.

Antennas	All districts									
Co-locations	All districts									
	A-1	B-4	B-5	B-6	B-7	M-1	LLI	LLI-2	M-2	PSP
Stealth Towers	X	X	X	X	X	X	X	X	X	X
Monopoles	X	X	X	X	X	X	X	X	X	X
Lattice Towers						X	X	X	X	
Guyed Towers						X	X	X	X	

(3) *Other Regulations*

Other regulations—such as minimum setbacks, maximum height, landscaping, signage, etc.—normally found in zoning, are located in the Wireless Telecommunications Facilities chapter of the City Code.

Section 12.37. Campgrounds

Definitions:

(a) **Campground or Recreational Vehicle Park:** Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreational vehicles, or travel trailers which are used for recreation or vacation purposes. A 'mobile home park' shall not be deemed a campground or recreational vehicle park.

(b) **Campsite:** Any plot of ground within a campground intended for exclusive occupancy by a cabin, recreational vehicle, or tent.

(c) **Recreational Vehicle:** A vehicle or portable structure which can be towed, hauled, or driven and is primarily designed as temporary living accommodation for recreational, camping, and travel use. A recreational vehicle shall not be considered as a dwelling unit

(2) **Review:** All campgrounds shall go through Section 12.06, Group Development Site Plan Review, and meet all applicable requirements in Section 12.06-4, Site Development Plan provisions, in addition to the requirements in this section.

(3) **Size:** Minimum of three acres; maximum of 10 acres.

(4) **Density:** Maximum of 10 campsites per acre.

(5) **Minimum space requirements:**

(a) Each space shall consist of at least 2,000 square feet;

- (b) Each space shall be designated on the ground by permanent markers.
- (6) **Minimum setbacks for campsites and accessory structures:**
 - (a) 100 feet from any adjoining property line;
 - (b) 50 feet from any public street right-of-way
- (7) **Minimum setbacks for recreational vehicles (or travel trailers):** Setbacks shall be at least 10 feet from each other or from accessory structures, such as attached awnings or carports, or individual storage facilities.
- (8) **Access to the site:** Access shall be provided by a major or minor thoroughfare, as depicted on the Salisbury Thoroughfare Plan.
- (9) **Interior drives:**
 - (a) Each campsite shall abut an interior drive;
 - (b) A minimum of 18 feet in width for two-way travel; a minimum of 12 feet in width for one-way travel;
 - (c) Paved or consist of a minimum of six-inch compacted gravel
 - (d) No parking on either side.
- (10) **Parking:** An all-weather surface area, such as pavement or gravel, with sufficient dimensions to accommodate at least one automobile and camping vehicle shall be constructed within each site.
- (11) **Walkways:** Sidewalks and other walkways within the campground area shall be at least four feet in width with an all-weather surface, such as pavement or gravel. Nature trails are not required to have all-weather surfaces.
- (12) **Unpaved Areas:** All unpaved areas within the campground shall have vegetative ground cover adequate to prevent erosion and dust.
- (13) **Trees:** At least one tree shall be provided for each two camping spaces.
- (14) **Recreation area:**
 - (a) In all campgrounds there shall be at least one recreation area that shall be easily accessible to all spaces.
 - (b) The size of such area shall not be less than eight percent of the gross site area.
- (15) **Buffer:**
 - (a) Adjoining residentially zoned properties – Type C buffer yard, with complete visual separation.
 - (b) Adjoining non-residentially zoned properties – Type B buffer yard.
- (16) **Trash collection areas:** All trash collection areas shall be completely screened from view at any public right-of-way or property line.
- (17) **Telephone:** At least one public telephone shall be provided.
- (18) **Utilities:**
 - (a) All utilities shall be located underground;
 - (b) The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform with all applicable codes.
 - (c) Each park shall obtain water from a municipal water supply when available and, when unavailable, from a source approved by the county

health department. The water supply and pressure shall be adequate for the park requirements.

- (19) **Signage:** Signage shall be in accordance with the Residential Sign Table in Section 9.05(8).
- (20) **Maximum length of stay:**
 - (a) 30 consecutive days;
 - (b) 90 days per calendar year
- (21) **Employee(s):** Each campground shall provide at least one full-time attendant.
- (22) **Manufactured dwellings:** It shall be unlawful for a person to park or store a manufactured dwelling in a campground, except that one manufactured dwelling may be located within the park for exclusive use by the park manager or operator. This manufactured dwelling shall be located in an area designated on the site plan and approved by reviewing boards.
- (23) **Accessory uses:**
 - (a) The park may contain a retail sales counter and/or coin-operated machines for the park residents' use only, provided they are enclosed within a structure and there is no exterior advertising.
 - (b) The park may contain laundry facilities, limited in usage to campground patrons.
- (24) **Conflicts:** If there are any conflicts in regulations for campgrounds, these regulations in Section 12.37 shall supersede those other regulations.

Section 12.38. Dumpster Screening Required.

If a dumpster is provided, it shall be screened with either an opaque wall or fence which is constructed of materials which are compatible with the adjacent building, or with a total visual screen of plant matter. This provision shall apply to all new development, as well as existing development if expanded by 25 percent or more.”

(Ord. No. 1996-2; Ord. No. 1998-30; Ord. No. 1998-66; Ord. No. 1999-49; Ord. No. 2000-32; Ord. No. 2000-66; Ord. No. 2001-)

Section 12.39. Allowance for Outdoor Dining

Unless specifically prohibited within a particular zoning district, outdoor dining shall be permitted.

(Ord. No. 2003-56)